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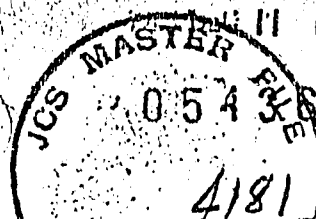
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Joint State-Defense Message Re Contingency Plans.

Berlin's 400, 422; USAREUR's SX 7922; Bonn's 1111, 1161.

It has been agreed contingency ~~plans~~ as revised (EMRDES 1075, December 18,

1957) not applicable to present situation. Rationale no longer convincing in light position taken by Soviets in their note of November 27. Agency theory, which at best could only have provided interim solution breaks down when both principal (USSR) and QUOTE agent UNQUOTE (GDR) deny such relationship and Soviet Union simply attempting to abandon its responsibilities.

By unilateral withdrawal from position as Occupying Power, USSR will create vacuum in Occupation arrangements. If no interference with our right of access, there no problem. However, in light present practice (in which GDR already controls West German traffic) and announced intentions, harassment may be expected but, at least initially, probably would not involve total blockade

Drafted by:

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Defense - Mr. Quarles
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Ad Hoc Committee on Berlin-EUR - Mr. Kohler
EUR - Mr. Merchants/S - Mr. Calhoun
G - Mr. Murphy
The President (in substance)

L/EUR - Mr. Kearney
L - Mr. Becker

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as in 1948-49 but could be limited to Allied traffic only. If there is actual or threatened harassment or interference would appear general principles applicable to joint ~~joint~~/operations would apply. When one party drops out, remaining parties entitled fill vacuum at least to extent necessary protect their rights. Under these circumstances, 3 Powers justified assert their rights take over control Autobahn and railroad and control air traffic between Federal Republic and Berlin to extent necessary ensure their unrestricted access Berlin.

In no event would GDR become beneficiary of attempted relinquishment by USSR of its rights and obligations or attempted voiding by USSR of occupation rights of Western Powers in Berlin, without consent Western Powers. Further, latter cannot be divested of rights as occupying powers without their consent, which presumably would be given only in connection with final settlement in form peace treaty.

In 1954, when Agency theory considered feasible, it was assumed Soviets would only partially and gradually relinquish their controls. If consistent in asserting agency relationship did exist between GDR and USSR, we should have no basis refusing deal with GDR on any other matter involving Soviet responsibility in Germany.

Evident Berlin (Bonn's 1161), Soviet Zone and Federal Republic populace regard any dealing with GDR checkpoint officials as first step, however tentative, toward recognition GDR regime. Federal Republic and Berlin officials would inevitably draw conclusions from such action highly unfavorable to present Allied position on German question and Allied-German relationships. Far greater difficulty likely in mobilizing public opinion for firm stand at some later stage when already part way down QUOTE slippery slope UNQUOTE than at moment first GDR officials appear at checkpoints. Finally, recognition GDR by Allies would make Allied access to Berlin more vulnerable

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with end result our position would become untenable.

Embassy Bonn should raise urgently with British and French reconsideration existing contingency plans with view to eliminating all proposals for dealing with ~~GDR~~ GDR officials at Autobahn and railway checkpoints. After tripartite agreement reached Germans should be fully informed of details.

In place of present plans approved U.S. course of action should be presented to British and French, as follows:

A. Three Ambassadors in Moscow should inform Soviet Government at appropriate time (1) that 3 Powers continue hold USSR fully responsible under quadripartite agreements and arrangements concerning Berlin; (2) that 3 Powers have noted Soviet statements to effect that USSR will withdraw from its remaining occupation functions with respect to Berlin. That they assume this means Soviets intend withdraw Soviet personnel from interzonal Autobahn and railway checkpoints and from BASG; (3) that Powers' right unrestricted access would remain unaffected by Soviet withdrawal; (4) that 3 Powers will not tolerate attempt on part of so-called GDR to assert any control over or to interfere with their traffic to and from Berlin via quadripartitely established routes, and would take all measures necessary to protect their rights in this connection; (5) that, if Soviets withdraw, Western Powers will act on assumption (a) that USSR has decided to abolish unnecessary administrative procedures at interzonal borders, and (b) that USSR can and will, without benefit of exchange of flight information in BASG, maintain absolute separation of Soviet aircraft and all other aircraft flying in Soviet Zone from aircraft of 3 Powers flying in Berlin corridors and control zone; (6) that Western Powers will expect their traffic to move freely without any presentation of documents or other formalities at interzonal borders and will assume Soviets have given blanket assurance of safety of all 3 Power aircraft in

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Berlin corridors and control zone.

B. That if Soviet personnel are then withdrawn from checkpoints, we continue the dispatch military trains and military motor convoys on normal schedule and that we instruct commanders as indicated in para C below to refuse present any documentation to GDR checkpoint control officials or comply with any formalities suggested or instructions given by latter.

C. If GDR checkpoint personnel refuse to permit passage our trains and convoys on this basis, procedure in Berlin's 422 and USAREUR's SX 7922 would apply at once.

D. At this stage and before considering resort to airlift, attempt to reopen access through use limited military force will be made in order demonstrate our determination maintain surface access. In any case, Soviets and East Germans should not be allowed entertain doubts as to our determination to do so if need be. Even if force not resorted to at once we should continue assert our rights to resume interrupted traffic and our intention to do so by force if necessary. FYI Purpose of resort to limited force proposed above, is, beyond that stated, to test Soviet intentions. If British and French refuse to consider the

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limited use of force, matter will be referred to Washington for consideration of possible unilateral action in light of the circumstances prevailing at the time. End FYI.

E. As concomitant to above course of action, we should consider whether 3 Powers should not take some additional step to guarantee their unrestricted air access to Berlin, which would be essential to maintaining status and security of city. Three Powers might, for example, reformulate and restate their Berlin guarantee, modifying it to add that they will regard any interference with their right and practice of unrestricted access to Berlin by air, including operation of their civil air carriers, as attack upon their forces and upon themselves. Here issue of flight in corridors over 10,000 feet might be solved by simple Three Power agreement to fly at altitude appropriate to efficient operation of individual aircraft. Communist harassment of our air access, which would be possible only through patent application of force, would be clear evidence of provocative intent. If it occurred we could then take such military/political/economic counteraction as necessary to maintain Berlin with fair assurance such action would have support of American, French, British and German public opinion.

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